

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Ashton et al. v. al Qaeda Islamic Army, et al.</i> , 02-cv-6977 (GBD)(SN) and (member case <i>Burlingame v. Bin Laden, et al.</i> , 02-cv-7230 (GBD)(SN))	02-cv-6977 (GBD)(SN) and 02-cv-7230 (GBD)(SN) ECF Case

**[REDACTED] ORDER OF PARTIAL FINAL DEFAULT JUDGMENTS ON BEHALF
OF BURLINGAME VIII PLAINTIFFS IDENTIFIED AT EXHIBIT A**

Upon consideration of the evidence and arguments submitted by Plaintiffs identified in Exhibit A to this Order, plaintiffs in *Burlingame*, who are each a spouse, parent, child, or sibling (or the estate of a spouse, parent, child, or sibling) of a victim killed in the terrorist attacks on September 11, 2001 (“*Burlingame VIII*” Plaintiffs), and the Judgment by Default for liability only against the Islamic Republic of Iran August 26, 2015 (ECF No. 3008), together with the entire record in this case, it is hereby;

ORDERED that service of process was effected upon the Iran Defendants in accordance with 28 U.S.C. § 1608(a) for sovereign defendants and 28 U.S.C. § 1608(b) for agencies and instrumentalities of sovereign defendants;

ORDERED that partial final judgment is entered against the Iran Defendants and on behalf of the Plaintiffs in *Burlingame*, as identified in the attached Exhibit A, who are each a spouse, parent, child, or sibling (or the estate of a spouse, parent, child, or sibling) of individuals killed in the terrorist attacks on September 11, 2001, as indicated in Exhibit A, and it is

ORDERED that Plaintiffs identified in Exhibit A are awarded: solatium damages of \$12,500,000 per spouse, \$8,500,000 per parent, \$8,500,000 per child, and \$4,250,000 per sibling, as set forth in Exhibit A; and it is

ORDERED that Plaintiffs identified in Exhibit A are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from September 11, 2001 until the date of judgment; and it is

ORDERED that Plaintiffs identified in Exhibit A may submit an application for punitive damages, economic damages, or other damages (to the extent such awards have not previously been ordered) at a later date consistent with any future rulings made by this Court on this issue, and it is

ORDERED that the remaining *Burlingame* Plaintiffs not appearing on Exhibit A, may submit in later stages applications for damages awards, and to the extent they are for solatium or by estates for compensatory damages' for decedents pain and suffering from the September 11 attacks, they will be approved consistent with those approved herein for the Plaintiffs appearing on Exhibit A.

Dated: New York, New York

JAN 07 2020, 2019

SO ORDERED:



GEORGE B. DANIELS
United States District Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FRANK H. GRANITO, III, Esq., hereby states under penalty of perjury that:

1. I am a member of Speiser Krause, PC and an attorney representing the *Burlingame* subset of *Ashton* Plaintiffs identified on Exhibit A attached hereto (the “*Burlingame VIII*” Plaintiffs), who are the subject of this motion for partial final judgment in the above-captioned litigation. I submit this Declaration in support of this motion for final judgment on behalf of only the individual Plaintiffs identified in Exhibit A, and request permission to allow any remaining *Burlingame* plaintiffs to move for the similar relief in separate stages.

2. The sources of information and the basis for belief in the statements contained herein are my representation of the *Burlingame VIII* Plaintiffs in connection with the September 11th terror attacks, my firm’s files, conversations with family members of these Plaintiffs, as well as other court records relating to the multi-district litigation to which the *Burlingame VIII* Plaintiffs are parties. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

3. Claims brought on behalf of the decedents listed in Exhibit A were part of the original *Burlingame* complaint, styled *Burlingame, et al. v. Bin Laden, et al.*, filed on September 10, 2002, and bearing civil action number 02-cv-7230, subsequently ordered consolidated into the master complaint bearing the caption *Ashton et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977

(GBD)(SN). Since these plaintiffs remain segregated in the consolidated *Ashton* filings under their original civil action number and thus can easily be identified, plaintiffs appearing under the *Burlingame* civil action number 02-cv-7230 within the consolidated *Ashton* complaint are being collectively referred to as “*Burlingame* plaintiffs.”

4. All of the decedents listed in Exhibit A died in the September 11th terrorist attacks and are survived by the family members whose relationships to the decedents are described in Exhibit A. The claims listed in Exhibit A reflect individuals whose relationships to their decedents fall into one of the four categories presumptively entitled to solatium damages under this Court’s prior decisions, to wit, spouse, children, parents and siblings of those killed in the attacks.

5. We have been retained individually by the plaintiffs listed in Exhibit A to pursue recovery for their solatium losses arising out of the deaths of their loved ones on September 11, 2001. We have verified via written documentation and/or interviews that all of the plaintiffs listed in Exhibit A survived their decedents and have not recovered for their solatium damages previously. We have further confirmed that they do not have any prior judgment or pending motion before this Court for compensation arising out of the September 11th attacks.

6. In prior orders, the Court has established the loss amounts for solatium damages based on presumptive familial relationships to the decedent. *See, e.g.*, 03-md-1570 (02-cv-6977) (S.D.N.Y.)(GDB)(FM), Doc. No. 2623, entered 10/03/12, pp. 4-5; 03-md-1570 (S.D.N.Y.)(GBD)(FM), Doc. No. 3300, Filed 06/16/2016, p. 1. The Court has awarded these amounts for solatium damages to seven prior groups of *Burlingame* plaintiffs. See 03-md-1570 (02-cv-7230) (GBD)(SN), Doc. No. 3987 (“*Burlingame I*”), Entered 04/30/2018, Doc. No. 4011 (“*Burlingame II*”), Entered 05/29/2018, Doc. No. 4087 (“*Burlingame III*”), Entered 08/07/2018 Doc. No. 4156 (“*Burlingame IV*”), Entered 09/12/2018, Doc. No. 4707 (“*Burlingame V*”), Entered

07/29/19, Doc. No. 5058 (“Burlingame VI”), Entered 09/03/2019. The solatium amounts set forth in Exhibit A are the figures determined appropriate in the Court’s prior orders.

7. Previously, in connection with a motion for final judgment on behalf of other *Ashton* claimants, this Court asked that to expedite issuance of final judgments, they defer decision as to the appropriate quantum of punitive damages and present a proposed order with a rate of prejudgment interest of 4.96 per annum, compounded annually. *See* 03-md-1570 (S.D.N.Y.) (GBD)(SN), Doc. No. 3362, Entered 10/14/2016. The form of the proposed order submitted herewith therefore conforms to the Court’s prior orders.

8. Accordingly, I respectfully request that this Court grant the proposed order submitted herewith in favor of the *Burlingame VIII* Plaintiffs.

Dated: December 20, 2019
Rye Brook, New York

/s/ Frank H. Granito
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EXHIBIT A

#	DECEDENT FIRST NAME	DECEDENT MIDDLE NAME	DECEDENT LAST NAME	PLAINTIFF FIRST NAME	PLAINTIFF MIDDLE NAME	PLAINTIFF LAST NAME	RELATIONSHIP TO DECEDENT	SOLATIUM DAMAGES AMOUNT
1	Thomas		Dennis	Thomas		Dennis	Child	\$8,500,000.00
2	Thomas		Dennis	Lauren		Dennis	Child	\$8,500,000.00
3	Peter	Victor	Genco	Peter	Victor	Genco	Parent	\$8,500,000.00
4	Peter	Victor	Genco	Barbara	Diane	Genco	Parent	\$8,500,000.00
5	Peter	Victor	Genco	Jennifer		Genco Harrington	Sibling	\$4,250,000.00
6	Peter	Victor	Genco	Christina	Tanis	Genco	Sibling	\$4,250,000.00
7	Aram		Iskenderian	Jason		Iskenderian	Child	\$8,500,000.00
8	Aram		Iskenderian	Alex		Iskenderian	Child	\$8,500,000.00
9	Aram		Iskenderian	Meryl		Iskenderian	Child	\$8,500,000.00
10	Aram		Iskenderian	Kara		Iskenderian	Child	\$8,500,000.00
11	Brian		Magee	Kerry		Magee	Sibling	\$4,250,000.00
12	James		Maounis	Nicholas		Maounis	Parent	\$8,500,000.00
13	Frank		Palombo	Joseph		Palombo	Child	\$8,500,000.00
14	Frank		Palombo	Maria		Palombo	Child	\$8,500,000.00
15	Frank		Palombo	Thomas		Palombo	Child	\$8,500,000.00
16	Frank		Palombo	John		Palombo	Child	\$8,500,000.00
17	Frank		Palombo	Stephen		Palombo	Child	\$8,500,000.00
18	Frank		Palombo	Frank		Palombo	Child	\$8,500,000.00
19	Frank		Palombo	Margaret		Palombo	Child	\$8,500,000.00
20	Frank		Palombo	Daniel		Palombo	Child	\$8,500,000.00
21	Frank		Palombo	Patrick		Palombo	Child	\$8,500,000.00
22	Jack		Punches	Marcy	Ilena	Godwin	Sibling	\$4,250,000.00
23	Craig		Silverstein	Maria		Silverstein-Verhoog	Spouse	\$12,500,000.00
24	Craig		Silverstein	Gabriella		Silverstein	Child	\$8,500,000.00
25	Craig		Silverstein	Cameron		Silverstein	Child	\$8,500,000.00
26	Kenneth		Waldie	Jeffrey		Waldie	Child	\$8,500,000.00
27	John		Works	Allison	Noble	Works	Child	\$8,500,000.00